

5 June 1824.

(Ireland.)

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B I L L

[AS AMENDED BY THE COMMITTEE]

To relieve Bankers in *Ireland*, from divers Restraints imposed by the Provisions of the 29th of *George* the Second; and to render all and each of the Members of certain Copartnerships of Bankers which may be established, liable to the Engagements of such Copartnerships; and to enable such Copartnerships to sue and be sued in the name of their Public Officer.

WHEREAS by an Act made in the Parliament of *Ireland*, Possible 59 Geo. 2. in the Twenty-ninth year of the reign of King *George* the Second, intituled, "An Act for promoting Public Credit," it was among other things enacted, That the Name of every person and persons
5 who singly or jointly with any others carry on the trade or business of a Banker or Bankers, shall be mentioned in or subscribed to all Notes and Receipts to be issued by such Banker or Bankers, and that every Banker offending contrary thereto, should for every such offence forfeit the sum of One hundred pounds; and it was also by the said recited
10 Act enacted, That no person or persons who should carry on the business of a Banker or Bankers, should, either singly or in partnership with any other, so long as he or they should continue to be a Banker or Bankers, trade or traffic as Merchants in Goods or Merchandize imported or exported, and that every Banker offending contrary thereto,
15 should forfeit the sum of One thousand pounds:

And whereas it is expedient that part of the said Act should be repealed;

EC therefore Enacted by The KING's most Excellent MAJESTY, Certain parts of recited Act, repealed. by and with the advice and consent of the Lords Spiritual and Temporal,
398. A and

and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the said heretofore recited clauses of the said recited Act shall be and the same are hereby Repealed.

The Firm of
Bankers is-
suing Notes,
to be entered
at the Stamp
Office, Dublin;

And be it further Enacted, That before any promissory note or bill
for money, payable to bearer on demand, shall at any time between the
Twenty-fifth day of March in any year and the Twenty-fifth day of March
following, be issued by any society or copartnership consisting of more
than Six in number, and who shall have their establishments or houses
of business at any place not less than Fifty miles distant from *Dublin*,
and who shall carry on the trade and business of Bankers, and shall
issue notes payable on demand, an entry and register of the Firm or Name
of such society or copartnership, and of the Bank or Banks established
by such society or copartnership, and of the proper names and places of
abode of all the persons concerned or engaged in such society or co-
partnership, shall be made and entered by or on behalf of such society
or copartnership, in a book or books to be kept for that purpose at the
Stamp Office in *Dublin*, by some person appointed for that purpose by
the commissioners of stamps; and every such entry or register shall
specify the name of some individual of such society or copartnership,
who shall be considered as the public officer of such society or copartner-
ship, and the title or description of such proper officer; in whose name
such society or copartnership shall sue and be sued; and also the name
of every town and place where any such promissory notes shall be issued
or made payable by any such society or copartnership, or by any agent
or agents of such society or copartnership; and the name and title and
description of every such public officer shall be mentioned in or sub-
scribed to all notes and receipts to be issued by or on behalf of such
society or copartnership; and if any person or persons shall issue or
cause to be issued any note or receipt, in the name or on behalf of any
such society or copartnership, in or to which the true name of such
public officer shall not be mentioned or subscribed, every such person
shall forfeit the sum of One hundred pounds.

and the name
of the public
officer of such
Firm, who
may sue and
be sued.

Penalty.

Stamp Office
to give a
Certificate
of such entry;

And be it further Enacted, That whenever any entry or register of
the Firm or Name of any such society or copartnership shall be made at
the Stamp Office in manner aforesaid, at any time between the twenty-
fifth day of March in any year and the twenty-fifth day of March fol-
lowing, a Certificate of such entry and registry shall be granted by the
said commissioners of stamps, or by some person deputed and authorized
by the said commissioners for that purpose, to the society or copartner-
ship by whom or on whose behalf such entry and registry shall be
made, and such Certificate shall be written on vellum, parchment or
paper, duly stamped with the stamp required by law for certificates to
be taken out yearly by any Banker or Bankers in *Ireland*; and a separate
and

and distinct certificate, on a separate piece of vellum, parchment or paper, with a separate and distinct stamp, shall be granted for and in respect of every town and place where any such promissory note shall be issued or made payable by any such society or copartnership, or by any agent or agents, for or on account of such society or copartnership; and every such Certificate shall specify the proper firm, stile, title or name of such society or copartnership under which such notes are to be issued, and also the name of the town or place, towns or places, where such notes are to be issued, and shall also specify and set forth the names and places of abode of all the persons concerned in such society or copartnership, and the christian and surname, and place of abode, and title or description of the public officer of such society or copartnership, in whose name such society or copartnership shall sue and be sued; and in default of making such entry as is hereby required, or any part thereof, such certificate shall be absolutely void; and every such Certificate shall be dated on the day on which the same shall be granted, and shall have effect and continue in force from the day of the date thereof, until the twenty-fifth day of March following, both inclusive, and no longer.

which Certificates shall be for one year only.

And be it further Enacted, That if after the expiration of one calendar month next after the passing of this Act, any society or copartnership of persons exceeding Six in number, (except the Governor and Company of the Bank of Ireland,) shall at any time between the twenty-fifth day of March in any year and the twenty-fifth day of March following, issue any such promissory notes payable on demand, without having made or caused to be made such entry and registry as is by this Act required for such year, and obtained a certificate or certificates thereof for such year, in manner required by this Act, every such society or copartnership, shall for every such neglect or offence forfeit the sum of Five hundred pounds British currency.

Penalty on not making Entry and not taking out Certificate.

And be it further Enacted, That all actions and suits to be commenced or instituted by or on behalf of any such society or copartnership, against any person or persons, bodies politic or corporate or others, for recovering any debts, or enforcing any claims or demands due to such society or copartnership, and all proceedings in law or equity relating to the same, or other the concerns of any such society or copartnership, shall and lawfully may, from and after the passing of this Act, be commenced or instituted and prosecuted in the name of such public officer for the time being of such society or copartnership, as the nominal plaintiff for and on behalf of such society or copartnership; and that all actions or suits and proceedings in law or in equity, to be commenced or instituted against such society or copartnership, shall and lawfully may be commenced instituted and prosecuted against such public officer for the time being of such society or copartnership, as the

Actions and Suits to be commenced in the name of the Public Officer of such Society.

nominal defendant for and on the behalf of such society or copartnership; and that all indictments informations and prosecutions by or on behalf of such society or copartnership, for any stealing or embezzlement of any money, goods, effects or property, of or belonging to such society or copartnership, or for any fraud crime or other offence committed against or with intent to injure or defraud such society or copartnership, shall and lawfully may be had or preferred and carried on in the name of such public officer for the time being of such society or copartnership; and that in all indictments and informations to be had or preferred by or on the part or behalf of such society or copartnership, it shall be lawful and sufficient to state the money goods and effects or property of such society or copartnership, to be the money, goods, effects or property of the public officer for the time being of the said society or copartnership; and that any crime or other offence committed against or with intent to injure or defraud such society or copartnership, shall and lawfully may in such indictment or indictments be laid or stated to have been committed against or with intent to injure or defraud such public officer for the time being of the said society or copartnership; and any offender or offenders may thereupon be lawfully convicted for any such crime or offence; and that the death resignation or removal or other act of such public officer for the time being of any such society or copartnership, shall not abate or prejudice any such action, suit, indictment, information, prosecution or other proceeding then depending against or by or on behalf of such society or copartnership.

Judgment
against such
Public Officer
in such Ac-
tions, to op-
erate against
the Society.

And be it further Enacted, That all and every judgment and judgments which shall at any time after the passing of this Act be had or recovered in any action, suit or proceedings in law or equity, against any such public officer of any such society or copartnership, shall have the like effect and operation upon and against the property of such society or copartnership, and upon and against the property of every member thereof, as if such judgment or judgments had been recovered or obtained against such society or copartnership themselves; and further, that the bankruptcy insolvency or stopping payment of such public officer for the time being of such society or copartnership in his individual character or capacity, shall not be or be construed to be the bankruptcy insolvency or stopping payment of such society or copartnership; and also that such society or copartnership and every member thereof, and the capital stock and effects of such society or copartnership, and the effects of every member of the said copartnership, shall in all cases, notwithstanding the bankruptcy insolvency or stopping payment of such public officer, be attached and attachable, and shall be in all respects liable to the lawful claims and demands of the creditor and creditors of such society or copartnership, in like manner as if no such bankruptcy insolvency or stopping payment of such public officer of such society or copartnership had happened or taken place.

Provided

Provided always, and be it Enacted, That execution upon any judgment in any such action, obtained against such public officer for the time being of any such society or copartnership, whether as plaintiff or defendant, may be issued against any member or members for the time being of such society or copartnership: Provided always, That every such public officer in whose name any such action or suit shall be commenced, prosecuted or defended, and every such member or members, against whom execution upon any judgment obtained in any such action shall be issued as aforesaid, shall always be reimbursed and paid out of the funds of such society or copartnership, all such costs and charges as by the event of any such proceeding he or they shall be put to and become chargeable with.

Execution upon judgment in any such action may be issued against any Member of the Society, and the public officer to be saved harmless.

And be it further Enacted, That this Act and the powers and provisions herein contained, shall extend and be at all times construed to extend to any such society or copartnership, and the members thereof for the time being, during the continuance of such society or copartnership, whether the same do or shall consist or be composed of all or some only of the persons who originally were, or at the time of this Act may be members of, any such society or copartnership, or of all or some only of those persons, together with some other persons, or entirely of some other persons, all of whom became or may become members of such society or copartnership, at any time after the original institution thereof, or subsequent to the passing of this Act.

Extension of the powers and provisions of the Act.

And be it further Enacted, That all penalties, forfeitures and sums of money to be forfeited under this Act, may be sued for and recovered in any of His Majesty's courts of record at *Dublin*, by any person, in his or her own name, by action of debt, bill, plaint or information, founded on this Act, provided such action be commenced within Twelve calendar months next after such offence committed, in which action there shall not be any essoin or wager of law, nor more than one imparlance allowed; and all sums so to be recovered shall be applied, one moiety thereof to the use of the person who shall sue for the same, and the other moiety to His Majesty, His Heirs and Successors.

Recovery of Penalties and Forfeitures.

And be it Declared and Enacted, That so much of an Act made in the Parliament of *Ireland*, in the nineteenth and twentieth years of the reign of his late Majesty King *George* the Third, intitled, "An Act to explain an Act, intitled, "An Act to prevent Frauds committed by Bankrupts," whereby it is enacted, That all mercantile companies or partnerships shall set forth in their several invoices, bills of parcels, promissory notes and custom-house entries, the names of the several individuals of which such partnership or company doth consist, doth not and shall not extend, and shall not be construed to extend to any society or copartnership of Bankers in *Ireland*; any custom or usage to the contrary in anywise notwithstanding.

Act of 19th 20 Geo. 3. (Irish Parliament) not to extend to Bankers.

5 GEO. IV.—SESS. 1824.

(Ireland.)

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B I L L

[AS AMENDED BY THE COMMITTEE.]

To relieve Bankers in *Ireland*, from diverse
Restrictions imposed by the Provisions of
the 8th of George the Second; and to
render all and each of the Members of
certain Partnerships of Bankers which
may be established, liable to the Engage-
ments of such Partnerships; and to
enable such Partnerships to sue and be
sued in the name of their Public Officer.

Ordered, by The House of Commons, to be Printed,

5 June 1824.
